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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,737	09/15/2000	KIMBO MUNDY	BDE-001CN (431/6)	2466

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EXAMINER	
AKINTOLA, OLABODE	

ART UNIT	PAPER NUMBER
3691	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/662,737	MUNDY ET AL.	
	Examiner	Art Unit	
	Olabode Akintola	3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 August 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-33 and 47* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-33 and 47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/21/2007 has been entered.

Declaration under 37 CFR 1.131

The declaration filed on 8/21/2007 under 37 CFR 1.131 is sufficient to overcome the Lortz reference.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 47, 2-10 and 25-31 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Woolston (U.S. Patent No. 6085176) in view of Frauenhofer et al (US 6236991)/Thomas et al (USPN 6301574)/Kaye et al (USPN 5727164).

Re claim 47: Woolston teaches a computer-implemented method for aggregating information, the method comprising: receiving a specification of items by a selected shopper via a host user interface provided by a host computer that is in communication with a plurality of enterprises over a network (see Figs. 8 RN {452 & 456}; Col. 9, lines 58-63), wherein each enterprise offers items for exchange over the network, stores information about the items it offers in an enterprise database and interacts directly with shoppers (see col. 22, lines 4-17); in response to the specification of items by the shopper, determining that the specified class of items includes a first selected item and a second selected item, collecting information about the first selected item from at least two enterprises and information about the second selected item from at least one enterprise (see Col. 22, lines 47-54); storing the information collected from the enterprises in a host database (see Col. 22, lines 47-54); and providing the information collected from the enterprises to the selected shopper via the host user interface (see Col. 22, lines 47-54).

Woolston does not explicitly teach receiving a specification of a class of items; and wherein stored information for the first and second selected items includes an association with the specified class as determined by the host computer. However, Woolston teaches categories

and subcategories of goods (Figs. 8 RN {452 & 456}; Col. 13, lines 32-67, col. 16, lines 54-65). Frauenhofer/Thomas/Kaye teaches receiving a specification of a class of items and wherein stored information for the first and second selected items includes an association with the specified class as determined by the host computer (Frauenhofer: abstract, col. 2, lines 40-58; Thomas: col. 10, lines 32-41; Kaye: col. 7, lines 3-10). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Woolston invention to include this step in order to present the response to the user in an arranged/categorized form, thereby enhancing the efficiency of the system.

Thus modified Woolston hereinafter referred to as "Modified Woolston"

Re claims 2 and 3: Modified Woolston does not explicitly teach the steps wherein collecting information includes crawling HTML and XML page trees. Official notice is hereby taken that it is old and well known in the art to have databases in HTML and XML format. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Woolston's search agent as crawling HTML page tree or XML page tree because it enhances the system by providing syntax for information markup and for specifying information structure.

Re Claim 4: Modified Woolston teaches the steps wherein collecting information includes collecting publicly accessible information (see Woolston: col. 7, lines 60-67).

Re claim 5: Modified Woolston teaches auction sites (see Woolston: col. 22, lines 4-17).

Re claims 6 and 7: This claim is rejected for the same rationale given in claims 2 and 3, supra.

Re claim 8: This claim is rejected for the same rationale given in claim 4, supra.

Re Claim 9: Modified Woolston teaches the step of periodically collecting the information from the enterprises, and updating the information stored in the host database (see Woolston: col. 16, lines 8-12).

Re claim 10: This claim is rejected for the same rationale given in claim 9, supra.

Re claim 25: Modified Woolston teaches the step of searching the host database for items within the class of items and displaying auction information with regard to the items within the class of items to the shopper by way of the host user interface (Woolston: col. 22, line 4-54; Fig. 8).

Re claim 26: Modified Woolston teaches the steps wherein the host user interface accepts from the shopper an indication of specifying keywords to restrict the class of items (Woolston: col. 22, lines 9-10).

Re claim 27: Modified Woolston teaches the steps wherein the host user interface accepts from the shopper an indication at least one category to restrict the class of items (Woolston: col. 16, lines 54-60).

Re claim 28: This claim is rejected for the same rationale given in claims 26 and 27, supra.

Re claims 29 and 30: Modified Woolston teaches the host user interface accepts from the shopper an indication of particular ones of the auction sites to restrict the class of items (Woolston: col. 9, lines 39-43).

Re claim 31: Modified Woolston teaches the steps wherein the particular type of auction site includes person-to person auctions and business-to-person auctions (Woolston: col. 22, lines 4-17).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woolston in view of Frauenhofer/Thomas/Kaye as applied in claim 47above, and further in view of Shostak (U.S. Patent No. 5893125).

Re Claim 11: Modified Woolston does not explicitly teach the step of dynamically scheduling the collecting of information from the auction databases based upon content of previously collected information. Shostak teaches dynamically scheduling the collection of information from database based on the content of previously collected information (see abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Woolston to include this feature to the plurality of auction databases. One would have been motivated to do so in order to ensure that the user is presented with real-time information, thereby improving the efficiency of the system

Claims 12, 14-24, 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woolston in view of Frauenhofer/Thomas/Kaye as applied in claims 47, 49 and 50 above, and further in view of Fisher (U.S. Patent No. 5835896).

Re Claim 12: Modified Woolston does not explicitly teach the step of receiving, via the host user interface, an auction watch request from the selected shopper for a third selected item, monitoring with the host computer a bidding activity at a specified auction site for the selected third item, in response to the received auction watch request, and displaying the bidding activity to the shopper by way of the host user interface.

Fisher teaches the step of receiving, via the host user interface, an auction watch request from the selected shopper for a third selected item, monitoring with the host computer a bidding activity at a specified auction site for the selected third item, in response to the received auction

watch request, and displaying the bidding activity to the shopper by way of the host user interface (col. 6, lines 39-67, col. 7, lines 6-20). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Woolston to include these steps as taught by Fisher in order to notify the bidder of just-placed bids that outbids the bidder.

Re claim 14: Modified Woolston does not explicitly teach the step of enabling the host user interface to accept from the shopper an update request, and updating at least a portion of the information stored in the host database substantially in real-time in response to the update requests.

Fisher teaches the step of enabling the host user interface to accept from the shopper an update request, and updating at least a portion of the information stored in the host database substantially in real-time in response to the update requests (col. 4, lines 32-45, col. 6, lines 31-45, col. 7, lines 15-23, lines 32-41 and lines 66 - col. 8, lines 1-4). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Woolston to include this step as taught by Fisher in order to allow the electronic auction system to record the records to show the bids and updates of the lot's merchandise catalog page to show the current high bids or bids and to whom such bids are attributable.

Re claim 15: This claim is rejected for the same rationale given in claim 9, supra.

Re claim 16: This claim is rejected for the same rationale given in claim 14, supra.

Re claim 17: Modified Woolston does not explicitly teach the step of enabling the host user interface to accept from the shopper an item watch request specifying a particular item for monitoring, and monitoring the auction sites to detect if the specified item becomes available for bidding at the auction sites in response to the item watch request from the shopper.

Fisher teaches the step of enabling the host user interface to accept from the shopper an item watch request specifying a particular item for monitoring, and monitoring the auction sites to detect if the specified item becomes available for bidding at the auction sites in response to the item watch request from the shopper (col. 7, lines 24-65 and col. 9, lines 36-47). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Woolston to include these steps as taught by Fisher in order to allow potential customers to watch the merchandise catalog pages and to place bids in an electronic auction system.

Re claim 18: Modified Woolston does not explicitly teach the step of providing the shopper with notification in response to detecting the specified item becoming available for bidding, wherein the host computer provides the notification by way of a host computer- initiated mechanism different from the user interface.

Fisher teaches teach the step of providing the shopper with notification in response to detecting the specified item becoming available for bidding, wherein the host computer provides the notification by way of a host computer- initiated mechanism different from the user interface (col. 6, lines 46-65 and col. 11, lines 4-20). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Woolston to include this step as taught by Fisher in order to allow potential customers to watch the merchandise catalog pages and to place bids in an electronic auction system. The bid information is sent to the bidder via electronic mail.

Re claim 19: Modified Woolston does not explicitly teach the step of detecting availability of items within the class of items at the auction site.

Fisher teaches the step of detecting availability of items within the class of items at the auction site (col. 7, lines 8-28). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Woolston to include this step as taught by Fisher in order to check for items availability.

Re claim 20: Modified Woolston does not explicitly teach the step of distinguishing between newly detected ones of the items from previously detected ones of the items.

Fisher teaches the step of distinguishing between newly detected ones of the items from previously detected ones of the items (col. 8, lines 42-53). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Woolston to include this step as taught by Fisher in order to allow the selection of items to purchase and to list new items for sale and bidding.

Re claim 21: Modified Woolston does not explicitly teach the step of providing the shopper with notification regarding detection of the items within the class of items, wherein the host provides the notification by way of a host initiated mechanism different from the user interface.

Fisher teaches the step of providing the shopper with notification regarding detection of the items within the class of items, wherein the host provides the notification by way of a host initiated mechanism different from the user interface (col. 9, lines 36-47). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Woolston to

include this step as taught by Fisher in order to allow potential customers to watch the merchandise catalog pages and to place bids on a class of items in an electronic auction system. The information is sent to the bidder via electronic mail.

Re claim 22: This claim is rejected for the same rationale given in claim 18, supra.

Re claim 23: Modified Woolston does not explicitly teach the step wherein the host computer-initiated mechanism includes a communication mechanism chosen from electronic mail, Internet messaging, pager, facsimile, telephone, and Web telephone.

Fisher the step wherein the host computer-initiated mechanism includes a communication mechanism chosen from electronic mail (col. 2, lines 11-16), Internet messaging, pager, facsimile (col. 1, line 52), telephone (col. 1, line 55), and Web telephone (col. 1, lines 60-67). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Woolston to include this step as taught by Fisher in order to allow customers to submit bids and to know the winning bidder or bidders and the losing bidder or bidders.

Re claim 24: Modified Woolston does not explicitly teach the host computer-initiated mechanism includes a hyperlink to the host user interface. Fisher teaches the host computer-initiated mechanism includes a hyperlink to the host user interface (col. 4, lines 32-45). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Woolston to this step as taught by Fisher in order to allow an underlined or otherwise emphasized word or phrase to display another document when clicked with the mouse and the graphical user interface works with the mousable interfaces with pull-down menus, dialog boxes,

checkboxes, radio buttons, drop-down list boxes, scroll bars, and scroll boxes which are well known in the art.

Re claim 32: Modified Woolston does not explicitly teach the host user interface accepts from the shopper an indication of a time frame in which the host computer detects that an item within the class is available at one of the auction sites.

Fisher teaches the host user interface accepts from the shopper an indication of a time frame in which the host computer detects that an item within the class is available at one of the auction sites (col. 7, lines 1-23 and see claim 19, supra). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Woolston to include this step as taught by Fisher in order to make the system more efficient.

Re claim 33: Modified Woolston does not explicitly teach the host user interface accepts from the shopper an indication of at least one of a specific price and a price range for the class of items. Fisher teaches the host user interface accepts from the shopper an indication of at least one of a specific price and a price range for the class of items (col. 4, lines 46-67 and col. 5, lines 1-6). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Woolston to include this step as taught by Fisher because such a modification would allow Woolston to view the items and their prices and to place the bids in that price range.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woolston in view of Frauenhofer/Thomas/Kaye in view of Fisher as applied in claim 12 above, and further in view of Shostak

Re claim 13: This claim is rejected for the same rationale given in claim 11, supra.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olabode Akintola whose telephone number is 571-272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571- 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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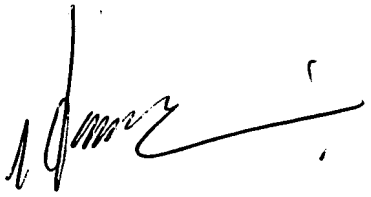

HANI M. KAZIMI
PRIMARY EXAMINER